

TRADEMARK OFFICE

n, Issued May 28, 1996

#3

SECTOR \$

Petition
OFFICE

4700

U.S. Application No. : 09/084,441

Filed: May 27, 1998

For: OPTHALMIC SURGERY METHOD USING NON-CONTACT SCANNING LASER

June 18, 1998

PETITION TO WITHDRAW NOTICE OF INCOMPLETE REISSUE APPLICATION

RECEIVED
SEP 23 1998
OFFICE OF PATENTS
A/C PATENTS

ATTENTION: OFFICE OF PETITIONS
Washington, D.C. 20231

Sir:

The applicant hereby petitions the U.S. Patent and Trademark Office to withdraw the Notice to File Missing Parts of Application mailed June 15, 1998 (copy attached) and the Notice of Incomplete Application mailed June 12, 1998 (copy attached) and accord the Reissue Application the proper filing date of May 27, 1998.

The applicant respectfully submits that all required parts of the Reissue Application were filed on or before May 27, 1998, including the drawings, and that therefore the Reissue Application should be granted the filing date of May 27, 1998.

The subject Reissue Application was filed in the U.S. Patent and Trademark Office on May 27, 1998. A copy of the original drawings was not provided with the Reissue papers because the application papers indicated on the U.S. Patent Office's Reissue Patent Application Transmittal (copy attached) and in a separate paper entitled "REQUEST FOR TRANSFER OF ORIGINAL DRAWINGS" (copy attached), per U.S.

U.S. Application No. 09/084,441
June 18, 1998
Page 2

Patent Office procedure, that the original drawings filed years before in the issued patent should be transferred to the Reissue Application file. It was presumed that this would be accomplished without further action required by the Applicant. A courtesy copy of the original drawings is enclosed herewith.

Enclosed is a petition fee of \$130 as required by 37 C.F.R. § 1.17(i). Applicant respectfully requests a refund of this petition fee since the above-identified Reissue Application was complete when filed on May 27, 1998.

Withdrawal of the Notice to File Missing Parts of Application and of the Notice of Incomplete Application, and granting of the filing date of May 27, 1998, are respectfully requested.

Respectfully submitted,

Farkas & Manelli, PLLC

By William H. Bollman

William H. Bollman

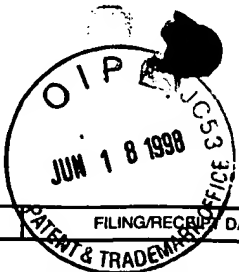
Reg. No.: 36,457

Tel. No.: (202) 261-1020

Fax. No.: (202) 887-0336

2000 M Street, N.W., 7th Floor
Washington, D.C. 20036-3307
202.261.1000

008060 " 77448060



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/084,441	05/27/98 LIN		J 62-575

020736
FARKAS & MANELLI
2000 M STREET NW SUITE 700
WASHINGTON DC 20036-3307

0232/0612

NOT ASSIGNED

3736

DATE MAILED:

06/12/98

NOTICE OF INCOMPLETE APPLICATION

A filing date has NOT been assigned to the above identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items, unless otherwise indicated, **must** be submitted within **TWO MONTHS** of the date of this Notice, or proceedings on the application will be terminated (37 CFR 1.53 (e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the items required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.1 7(i)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

☐ 1. The specification (description and claims):

- ☐ a. is missing.
- ☐ b. does not include a written description of the invention.
- ☐ c. does not include at least one claim as prescribed by 35 U.S.C. 112.

A complete specification (including at least one claim in a nonprovisional application) as prescribed by 35 U.S.C. 112 is required.

☒ 2. The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

Applicant should reconsider whether drawings are necessary under 35 U. S. C. 113 (first sentence).

☐ 3. OTHER: _____

Additional observations on the above-identified application papers:

- ☐ 1. Pages _____ of the specification are missing.
- ☐ 2. Figures _____ described in the specification are missing.

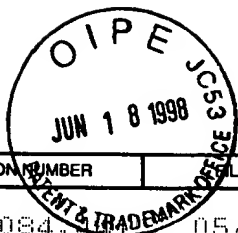
Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

Enclosed:

- ☐ "General Information Concerning Patents." See page _____.
- ☐ "Notice to File Missing Parts of Application," Form PTO-1532.
- ☐ "Checklist for Patent Applications."
- ☐ Other: _____

D. Bates
A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

#3

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/084	05/27/98	LIN	J 62-575

020736
FARKAS & MANELLI
2000 M STREET NW SUITE 700
WASHINGTON DC 20036-3307

0232/0615

NOT ASSIGNED

3736

DATE MAILED:

06/15/98

NOTICE TO FILE MISSING PARTS OF APPLICATION

No Filing Date

(Enclosure to Form PTO-1123)

The required items noted below SHOULD be filed along with any items required on the "Notice of Incomplete Application." The filing date of this application will be the date of receipt of the items required on the "Notice of Incomplete Application." The items noted below must be filed no later than TWO MONTHS FROM THE FILING DATE ACCORDED THIS APPLICATION. If any of items 1 and 3 through 5 below are submitted after the filing date accorded this application, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form and on the "Notice of Incomplete Application" are filed together, the total amount owed by applicant as a ☒ small entity (statement filed) ☐ non-small entity is \$_____.

☐ 1. The statutory basic filing fee is:

- ☐ missing or unexecuted.
- ☐ insufficient.

Applicant must submit \$_____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of

- \$_____ for _____ independent claims over 3.
- \$_____ for _____ dependent claims over 20.
- \$_____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☐ is missing or unexecuted.

06/25/1998 12:10 00000010 03084441
☐ does not cover the items required on "Notice of Incomplete Application."

☐ does not identify the application to which it applies.

☐ does not include the post office address and the city and state or foreign country of applicant's residence.

01 FC:105
122
An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and filing date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than the inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, referring to the above Application Number and filing date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and filing date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. The application does not comply with the Sequence Rules.

See attached "Notice To Comply with Sequence Rules 37 CFR 1.821 -1.825."

☐ 8. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.